

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DES DEVELOPMENT, LLC,

Plaintiff,

v.

REVBHONEY, INC.,

Defendant.

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Case No. 6:19-cv-03379-MDH

ORDER

This Court previously granted in part and denied in part Plaintiff DES Development, LLC's ("DES") motion for summary judgment in its May 6, 2021 Order (Doc. 102). The Order found that Defendant RevHoney, Inc. ("RevHoney") breached the Equipment Rental Agreement ("ERA") and Mediated Settlement Agreement between the parties and its owners Jerry and Debra Brown also breached the Mediated Settlement Agreement. The only issue barring the Court from granting summary judgment in full to DES was the amount of damages to be awarded to DES for RevHoney's breach of the ERA.

The Court found that RevHoney owes DES all payments that were due under the original ERA if the leases between DES and North Star, which were incorporated into the ERA, had gone to full term. However, the total amount of payments RevHoney has made to DES to date was disputed. DES claimed that RevHoney has paid \$84,948.00 under the ERA whereas RevHoney claimed it has paid \$115,770.01.

Plaintiff DES filed a Stipulation of Facts (Doc. 104) stipulating that RevHoney has made \$115,770.01 towards its obligations under the ERA. DES previously claimed that RevHoney, in total, owed \$326,988.00 in contractually obligated payments assuming that RevHoney had only

made \$84,948.00 in payments. Now, taking as true that RevHoney has made \$115,770.01 in payments, RevHoney owes \$30,822.01 less in payments than the amount that DES originally requested. Accordingly, the total amount owed to DES by RevHoney is \$296,165.99. In conclusion, summary judgment is **GRANTED** in favor of DES, and DES is awarded \$296,165.99 in damages.

The Court's Order additionally found that DES is entitled to attorney's fees in this case. DES has 14 days to submit any request for attorney's fees.

IT IS SO ORDERED.

Dated: May 11, 2021

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge